

Claim 1 is amended to more clearly define the subject matter of the claim to include "comprising" language in the preamble and to eliminate the hybridization limitation in the claim. Claim 1 is further amended to recite "the nucleic acid molecule that comprises SEQ ID NO:13." Claim 7 is amended to more clearly define the subject matter of the claim as an isolated nucleic acid molecule that encodes a polypeptide that has at least a 75% amino acid identity to the full length amino acid sequence set forth as SEQ ID NO:2. Support for the amendment can be found at least on page 12, lines 15-16 of the specification. Claim 29 is amended to remove the hybridization language in (i) and to remove the dependence on cancelled claim 4. Applicants cancel claims 4-6.

Rejection of Claims Under 35 U.S.C. §112, first paragraph

The Examiner rejects claims 1, 8, 10 and 26 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

According to the Examiner, while being enabling for a nucleic acid molecule encoding the amino acid sequence of SEQ ID NO:2, it does not reasonably provide enablement for a nucleic acid molecule which hybridizes to SEQ ID NO:2. To facilitate allowance of the claim, Applicants reserve the right to pursue claims directed to the subject matter (hybridizing molecules) excised by this amendment in one or more continuing applications. Applicants have amended claim 1 to specifically define the nucleic acid molecules as SEQ ID NO:1 and SEQ ID NO:13, both of which encode the amino acid sequence of SEQ ID NO:2. Applicants believe this amendment obviates the rejection.

The Examiner rejects claim 26 under 35 U.S.C. §112, first paragraph. The Examiner indicates that the basis for the rejection is a lack of limitations to the hybridization conditions under which the first nucleic acid molecule hybridizes to the second nucleic acid molecule. Applicants have amended claim 26 to eliminate the hybridization requirements for the first nucleic acid to a second nucleic acid molecule. Applicants believe this amendment obviates the rejection.